

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on April 2, 2007 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzonried (D)

Members Excused: None.

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 688, 3/28/2007; HB 271,
3/28/2007; HB 276, 3/28/2007; HB
533, 3/28/2007; HB 196, 3/28/2007;
HB 763, 3/28/2007
Executive Action: HJ 8, HB 763, HB 271, HB 533, HB
688, HB 276, HB 728

00:14:46 Chairman Lind

EXECUTIVE ACTION ON HJ 8

00:20:18 **Motion:** SEN. KAUFMANN moved to RECONSIDER THE MOTION on HJ 8.

Discussion:

00:21:52 Sen. Tash to Sen. Kaufmann

00:23:08 Sen. Perry

00:23:40 Sen. Gebhardt

00:24:23 Sen. Tropila

00:25:16 Sen. Curtiss

00:27:28 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION TO RECONSIDER HJ 8. Motion carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no.

00:27:44 **Substitute Motion:** SEN. TASH made a substitute motion that HJ 8 BE TABLED.

00:28:26 Sen. Tash withdrew his motion to table HJ 8.

00:28:34 Sen. Gebhardt

00:29:31 **Substitute Motion/Vote:** SEN. KAUFMANN made a substitute motion that HJ 8 BE TABLED. Substitute motion carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no.

HEARING ON HB 688

Opening Statement by Sponsor:

00:31:16 **REP. ALAN OLSON (R), HD 45,** opened the hearing on **HB 688**, Provide an allocation of coal severance taxes to DEQ for certain mines programs.

Proponents:

00:32:35 Bud Clinch, Executive Director, Montana Coal Council

00:33:29 Julia Page, Northern Plains Resource Council (NPRC)

00:34:20 Jeff Barber, Montana Environmental Information Center (MEIC)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:34:51 Sen. Kaufmann to Rep. Olson

Closing by Sponsor:

00:35:30 Rep. Olson

HEARING ON HB 271

Opening Statement by Sponsor:

00:36:44 **REP. WALTER MCNUTT (R), HD 37**, opened the hearing on **HB 271**, Revise makeup of board of environmental review.

Proponents:

00:37:46 Haley Beaudry, Columbia Falls Aluminum Company

00:38:39 Don Allen, Western Environmental Trade Association (WETA)

EXHIBIT (nas70a01)

00:40:38 Cary Hegreberg, Montana Contractor's Association

00:42:03 Jon Bennion, Montana Chamber of Commerce

Opponents:

00:42:38 Anne Hedges, Montana Environmental Information Center (MEIC)

00:46:54 Julia Page, Northern Plains Resource Council (NPRC)

00:48:58 Siri Smillie, Montana Conservation Voters

Informational Testimony: None.

Questions from Committee Members and Responses:

00:49:29 Sen. Gebhardt to Rep. McNutt

00:50:51 Joe Kolman, LSD

00:51:13 Sen. Lind to Don Allen, WETA

Closing by Sponsor:

00:52:42 Rep. McNutt

HEARING ON HB 276

Opening Statement by Sponsor:

00:54:03 **REP. WALTER MCNUTT (R), HD 37**, opened the hearing on **HB 276**, Revise rulemaking authority of board of environmental review.

Proponents:

00:55:12 Haley Beaudry, Columbia Falls Aluminum Company

00:57:15 Tom Ebzery, Nance Petroleum and Devon Energy

00:59:29 Deb Shea, Montana Mining Association (MMA)

01:00:36 Don Allen, WETA

EXHIBIT(nas70a02)

01:01:26 Cary Hegreberg, Montana Contractors Association (MCA)

01:01:38 Jon Bennion, MCC

Opponents:

01:01:56 Anne Hedges, MEIC

01:07:00 Tony Chew, Northern Plains Resource Council

01:09:21 Siri Smillie, Montana Conservation Voters

Informational Testimony: None.

Questions from Committee Members and Responses:

01:09:55 Sen. Perry to Rep. McNutt

01:11:11 Sen. Kaufmann to Rep. McNutt

01:12:07 Sen. Wanzenried to Rep. McNutt

01:14:41 Sen. Perry to Deb Shea, MMA

01:15:54 Sen. Kaufmann to Rep. McNutt

01:17:56 Sen. Lind to Rep. McNutt

Closing by Sponsor:

01:18:40 Rep. McNutt

HEARING ON HB 533

Opening Statement by Sponsor:

01:20:06 **REP. DUANE ANKNEY (R), HD 43**, opened the hearing on **HB 533**, Increase coal board funding.

Proponents:

01:26:10 William Duffield, Montana Association of Oil, Gas and Coal Counties, Inc.

EXHIBIT(nas70a03)

01:28:56 Bud Clinch, Executive Director, Montana Coal Council

01:31:19 Haley Beaudry, Self

01:33:38 Gary Amestoy, Richland County Economic Development Corporation

Opponents:

01:34:59 Jeff Barber, MEIC

Informational Testimony: None.

Questions from Committee Members and Responses:

01:36:48 Sen. Gebhardt to William Duffield, Montana Association
of Oil, Gas and Coal Counties, Inc.

01:37:47 Sen. Tropila to Rep. Ankney

01:38:52 Sen. Wanzenried to Rep. Ankney

Closing by Sponsor:

01:39:07 Rep. Ankney

01:43:37 Sen. Gebhardt to Sen. Lind

01:44:27 Sen. Gebhardt to Sen. Kaufmann

01:46:01 Sen. Gebhardt

01:46:35 Sen. Kaufmann

01:47:50 Sen. Lind

01:49:22 Break

05:21:21 Back from Break

05:22:06 Sen. Lind

HEARING ON HB 196

Opening Statement by Sponsor:

05:22:23 **REP. MICHAEL LANGE (R), HD 55**, opened the hearing on **HB
196**, Create coal development impact fund.

Proponents: None.

Opponents:

05:26:10 Rick Moore, Northern Plains Resource Council

05:28:14 Patrick Judge, Montana Environmental Information Center
(MEIC)

Informational Testimony: None.

Questions from Committee Members and Responses:

05:29:46 Sen. Lind to Rep. Lange

Closing by Sponsor:

05:33:33 Rep. Lange

HEARING ON HB 763

Opening Statement by Sponsor:

05:35:01 **REP. DUANE ANKNEY (R), HD 43**, opened the hearing on **HB 763**, Revise laws on mining byproduct disposal.

EXHIBIT (nas70a04)

05:40:20 Joe Kolman, LSD

05:44:54 Rep. Ankney

Proponents:

05:46:19 Haley Beaudry, Self

Opponents:

05:48:11 Patrick Judge, MEIC

Informational Testimony:

05:52:18 Jeff Buska, Administrator, Quality Assurance Division,
Department of Public Health and Human Services (DPHHS)

05:54:15 John North, Chief Legal Counsel, Department of
Environmental Quality (DEQ)

Questions from Committee Members and Responses:

05:54:47 Sen. Curtiss to Haley Beaudry

05:57:03 Sen. Kaufmann to John North, DEQ

05:58:25 Sen. Perry to Rep. Ankney

06:00:19 Sen. Lind to John North, DEQ

06:03:24 Sen. Lind to Rep. Ankney

06:06:02 Rep. Ankney

06:07:28 Sen. Curtiss to Rep. Ankney

Closing by Sponsor:

06:09:00 Rep. Ankney

EXECUTIVE ACTION ON HB 763

06:10:22 **Motion:** SEN. GEBHARDT moved that HB 763 BE CONCURRED IN.

06:10:38 **Motion:** SEN. GEBHARDT moved that AMENDMENT HB076303.AJK BE ADOPTED.

06:12:10 Sen. Harrington

06:13:25 **Motion/Vote:** SEN. GEBHARDT CALLED THE QUESTION ON AMENDMENT HB076303.AJK. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. WANZENRIED voted by proxy.

06:14:48 Sen. Lind

06:16:12 Sen. Gebhardt

06:16:35 Sen. Perry

06:17:26 Sen. Kaufmann

06:18:10 Sen. Gebhardt to Sen. Lind

06:19:30 Sen. Perry

06:19:41 **Motion/Vote:** SEN. CURTISS moved that HB 763 BE CONCURRED IN. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. WANZENRIED voted by proxy.

06:21:02 **Motion/Vote:** SEN. KAUFMANN moved that HB 763 BE TABLED AND THE VOTE REVERSED. Motion carried 5-4 with SEN. HARRINGTON, SEN. KAUFMANN, SEN. LIND, SEN. TROPILA, and SEN. WANZENRIED voting no. SEN. WANZENRIED voted by proxy.

EXECUTIVE ACTION ON HB 271

06:22:10 Sen. Lind

06:22:20 **Motion:** SEN. GEBHARDT moved that HB 271 BE CONCURRED IN.

06:22:45 **Motion:** SEN. GEBHARDT moved that AMENDMENT HB027102.AJK BE ADOPTED.

EXHIBIT(nas70a05)

Discussion:

06:23:29 Sen. Gebhardt to Joe Kolman, LSD

06:24:21 Sen. Kaufmann

06:26:00 Sen. Perry to Joe Kolman, LSD

06:27:21 Sen. Perry to Sen. Gebhardt

06:28:11 Sen. Lind to Sen. Perry

06:30:32 **Motion/Vote:** SEN. GEBHARDT CALLED THE QUESTION ON AMENDMENT HB027102.AJK. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

06:31:45 **Motion/Vote:** SEN. TASH moved that HB 271 BE CONCURRED IN. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

Discussion:

06:32:38 Sen. Tropila

06:33:23 Sen. Lind

06:34:09 Sen. Perry

06:34:22 **Motion/Vote:** SEN. KAUFMANN moved that HB 271 BE TABLED AND THE VOTE REVERSED. Motion carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and

SEN. TASH voting no. **SEN. HARRINGTON** and **SEN. WANZENRIED** voted by proxy.

EXECUTIVE ACTION ON HB 533

06:34:41 **Motion:** **SEN. PERRY** moved that HB 533 BE CONCURRED IN.

Discussion:

06:34:56 Sen. Gebhardt

06:36:59 Sen. Perry to Sen. Gebhardt

06:37:47 Sen. Kaufmann

06:38:35 Sen. Gebhardt

06:39:06 Sen. Perry to Sen. Kaufmann

06:39:37 Sen. Lind to Sen. Perry

06:40:17 Sen. Tropila to Sen. Gebhardt

06:40:36 Sen. Tropila to Haley Beaudry

06:41:04 Sen. Gebhardt

06:42:05 **Substitute Motion/Vote:** **SEN. KAUFMANN** made a substitute motion that HB 533 BE TABLED. Substitute motion failed 4-5 by roll call vote with **SEN. HARRINGTON**, **SEN. KAUFMANN**, **SEN. LIND**, and **SEN. WANZENRIED** voting aye. **SEN. HARRINGTON** voted by proxy.

Discussion:

06:42:56 Sen. Tropila

06:43:57 **Motion/Vote:** **SEN. GEBHARDT** moved a **CONCEPTUAL AMENDMENT** to HB 533 BE ADOPTED. Motion carried unanimously by voice vote. **SEN. HARRINGTON** voted by proxy.

06:44:22 **Motion/Vote:** **SEN. GEBHARDT** moved that HB 533 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. **SEN. HARRINGTON** voted by proxy.

EXECUTIVE ACTION ON HB 688

06:45:28 Motion: SEN. GEBHARDT moved that HB 688 BE CONCURRED IN.

Discussion:

06:46:02 Sen. Perry

06:46:44 Motion/Vote: SEN. GEBHARDT CALLED THE QUESTION ON HB 688. Motion carried unanimously by voice vote. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

EXECUTIVE ACTION ON HB 276

06:48:12 Motion: SEN. PERRY moved that HB 276 BE CONCURRED IN.

Discussion:

06:48:20 Motion/Vote: SEN. GEBHARDT moved that AMENDMENT HB027601.AJK BE ADOPTED. Motion carried 9-0 by roll call vote. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

EXHIBIT (nas70a06)

06:50:17 Motion: SEN. GEBHARDT moved that HB 256 BE CONCURRED IN AS AMENDED.

Discussion:

06:51:04 Sen. Lind

06:51:50 Sen. Gebhardt

06:52:34 Substitute Motion/Vote: SEN. KAUFMANN made a substitute motion that HB 276 BE TABLED. Substitute motion carried 5-4 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

EXECUTIVE ACTION ON HB 728

06:54:07 Motion: SEN. GEBHARDT moved that HB 728 BE CONCURRED IN.

Discussion:

06:54:37 Sen. Tropila

06:56:29 Sen. Curtiss

06:57:06 Sen. Tash

06:57:47 Sen. Lind

06:59:41 **Motion/Vote:** SEN. GEBHARDT moved that HB 728 BE CONCURRED IN. Motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

07:00:55 **Motion/Vote:** SEN. KAUFMANN moved that HB 728 BE TABLED AND THE VOTE REVERSED. Motion carried 5-4 with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting no. SEN. HARRINGTON and SEN. WANZENRIED voted by proxy.

ADJOURNMENT

Adjournment: 10:10 P.M.

SEN. GREG LIND, Chairman

CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

EXHIBIT ([nas70aad.pdf](#))